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ABSTRACT

Philosophers have paid comparatively little attention to the general criticism of the first generation of secular philosophical work on abortion, and by failing to do so have not come to terms with the criticism of some of the substantive and methodological presuppositions that generally guide philosophical work in applied ethics. To understand why philosophers' work on abortion has been so widely criticized, it is helpful to consider the place of applied ethics within the context of 20th century philosophy. Moral philosophy was not highly regarded in the post-World War II years by the criteria of the logical positivists, who required that philosophy be empirically verifiable or logically certifiable. These positivist prejudices linger both within philosophy and without. Also, the pursuit of applied ethics is viewed by some as being economically or opportunistically motivated, which casts aspersions on its contents. The motivations behind individual stances on the abortion issue clouds the philosopher's position as well. An investigation of the criticisms on the methods and language that philosophers have employed in discussing abortion reveals what are considered by some to be salient flaws within the corpus of these works, such as the difficulty in establishing the concept of fetal personhood. If the second generation of philosophical work on abortion is to do more than amplify or codify the wisdom of the first, they will have to come to grips with the criticisms and the motivations of those criticisms that have been leveled against the current philosophical work on abortion. (PPB)

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Philosophers and the Abortion Debate:

Coming to Terms with the Criticism

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Philosophers have written an enormous amount about abortion since the early 1970s. This work has been widely discussed and criticized by both philosophers and non-philosophers.[1] Although many of the criticisms have been directed at specific arguments and argument-strategies, critics have also raised more general points. They have taken issue with the focus of philosophical work on abortion, and with the methodological assumptions that seem to underlie it. They have expressed dissatisfaction with the decontextualized character of that work, and sometimes with the character of the philosophers who have produced it.[2]

Philosophers have paid comparatively little attention to these more general criticisms of what I shall call the first generation of secular philosophical work on abortion. I believe this to be a serious mistake. If philosophical work on abortion is to continue to warrant attention and respect, then philosophers must come to terms with the criticism of their work. To do this, they need to understand what lies behind the critics' dissatisfaction, and so attend to the tone and character of criticisms and not just to their substance. Even when criticisms fail as critiques of carefully formulated philosophical positions, they are more significant than philosophers have taken them to be. They not only raise questions about the value and relevance of what philosophers have written about abortion, they also raise wider questions about some of the substantive and methodological presuppositions that guide philosophical work in applied ethics more generally.[3] If philosophers continue to ignore such criticisms, or to dismiss them as uninformed or unphilosophical, they run the risk of producing a second generation of philosophical work on abortion that (by the critics' lights, at least) unthinkingly reproduces the defects that vitiate the first. Nor is this the only risk. If applied ethics is to be regarded as an integral part of moral philosophy, and not merely as a fashionable but philosophically peripheral sub-area, then the

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questions raised by the general criticisms of philosophers' work on abortion deserve serious attention, for they are of central, and not merely local, importance. (I discuss this further in the last section of the essay.)

The assessment of the criticism of philosophers' work on abortion is obviously a large and complex task. It involves (among other things) the review and integration of a vast body of material, the formulation of a schema or map that locates the philosophical discussion of abortion within a larger interdisciplinary context, and the articulation of a philosophical account that clarifies the relations between applied ethics and ethical theory. It is a task that obviously cannot be completed here, and it is one that does not readily lend itself to piecemeal presentation. And so, rather than present a cursory and incomplete assessment of the criticism of philosophers' work on abortion, what I shall do here is offer a sort of prelude to the project of coming to terms with the criticism of philosophers' work on abortion (or, if you prefer, an initial diagnosis that can form the basis for a treatment strategy). I shall offer some conjectures as to why this work has been so strongly criticized, and some suggestions about lessons that philosophers can learn from reflecting on the criticism.

I

I shall begin with some quite general issues raised by the criticism of philosophers' work on abortion.

To understand why philosophers' work on abortion has been so widely criticized, it is helpful to consider the place of applied ethics, and the criticism of that work, within the context of mid-twentieth-century philosophy.

In the middle decades of the twentieth century, moral philosophy was not very well regarded either within the profession or without. The Logical Positivist stance that characterized Anglo-american philosophy, and the scientistic fervor that pervaded post-war Anglo-american culture, denigrated traditional philosophical concerns with normative questions as both unphilosophical and unscientific. Clever people were scientists, not philosophers, or--if they were philosophers--they were science-oriented or science-minded: their work had a bearing on the theory and practice of science, or (at least) conformed to science-centered standards of rigor and meaningfulness. The appeal to Positivist standards delivered a harsh

verdict on moral philosophy: neither the concern with substantive moral issues nor the interest in formulating normative theories that provided the framework for assessing the morality of particular actions, practices, or institutions, met the Positivists' criteria. According to the Positivists, these enterprises essentially involved the making of "value judgments," which were neither "verifiable" (in ways that empirical hypotheses and statements were believed to be), nor logically certifiable as derivations from established axioms. These judgments were thus deemed "cognitively meaningless"; to make moral judgments was to moralize, not philosophize. The proper task of the moral philosopher (qua philosopher) did not include the role of critical moralizer, or normative moral theorist, but was, rather, that of social scientist-cum-logician: observer of people's evaluative practices, and analyst of the functions and logic of their "ethical language."[4]

The Positivists' philosophical outlook did not accord much respect to most (pre-Positivist) moral philosophy, and the Positivist-influenced emphasis on ethical language produced a "new" moral philosophy that was largely derivative from and dependent on the philosophy of language. Bright, ambitious students of philosophy were discouraged (both tacitly and explicitly) from specializing in moral philosophy; unsurprisingly, this did little to generate respect for those who did choose to specialize in it. Until (at least) the late 1960s, the prevailing view was that moral philosophers were less philosophically capable and generally less intelligent than their colleagues who were epistemologists, philosophers of language, or philosophers of science.

Allegiance to Positivism began to wane in the late 1960s, and moral philosophy began to cast off the pall of intellectual unrespectability. (I shall say more about this shortly.) But there remain vestiges of anti-ethics sentiment both within philosophy and without.[5] Although post-positivist philosophy has a more generous view of what moral philosophy is, thus allows the possibility that normative ethical theory is a legitimate philosophical enterprise, Positivist prejudices linger both within philosophy and without. Work on substantive normative moral issues--or applied ethics--still seems less philosophically respectable to many than work on more "theoretical" issues. I do not wish to suggest that it is the persistence of Positivism that alone accounts for the fact that work in applied ethics, or work on abortion in particular, has so often been less than favorably received. Both moral skepticism (in its many varieties) and moral dogmatism abound in academic disciplines, and in contemporary society itself. And abortion is a complex, emotionally charged,

and seemingly intractable issue, one that seems to lend itself particularly well both to skeptical dismissal and dogmatic tirade. Nevertheless, I believe that some of the criticism of philosophical work on abortion is an expression of the wider distrust of applied ethics that is the unhappy legacy of Positivism, and I suspect that many of those who are critics of applied ethics remain more deeply influenced by Positivist doctrines and dogma than they appreciate.

The antipathy toward work in applied ethics has been exacerbated by (what is perceived as) its popular success. Within the past decade or so, there has been a increase in the demand for philosophers with interests in applied ethics, and the job opportunities have been both numerous (as compared to other philosophical areas of specialization) and diverse. There have been more openings at the college and university level: courses that deal with substantive moral, social, and political issues are popular with students, and deans have been only too happy to hire philosophers who work in applied ethics to bolster declining enrollments in the humanities. There have also been jobs in medicine, business, and government, and in public policy institutes. Domestic and international political events of the 1960s and 1970s, and the consumer movement have together provided a healthy climate for the growth of the view that "business as usual" in medicine, business, and government is not necessarily good, or even minimally decent, business. The establishment of ethics committees, the development of the institution of the "ethicist" and assorted other forms of "house philosopher," and the creation of policy institutes that employ philosophers as social analysts and critics, has been the response (along with a healthy measure of skepticism about the likelihood of philosophers effecting any significant changes in the practices or policies they examine.)[6]

The popular success of applied ethics is regarded with suspicion by some of its critics, and with some disdain. Some critics have used it as the basis for casting aspersions on work in applied ethics through the deployment of what I will call the strategy of Diagnosis, Disparagement, and Dismissal (the "3-D strategy" for short), in the form of what I shall call the argument from economic self-interest. This argument is more often presented orally and informally in confidential circumstances than publicly or in print, and it is less an argument than an explanation or diagnosis. But I believe that it has widespread allegiance, and I thus think it worth discussing in some detail.[7] The argument has two parts.

According to those who hold this view, the upsurge of work in applied ethics is best understood as economically motivated. Philosophers have developed, cultivated, and sustained interests in applied ethics because doing so has increased their chances of finding reasonable employment.

There is no doubt some truth to such a view; even the most high-minded philosophers have basic worldly needs, and few are so economically self-sufficient that they can afford to be altogether unconcerned with matters that bear on the question of their employability. There may well be philosophers whose decision to work in applied ethics has been strongly influenced by the belief that doing so would make them more employable than pursuing other philosophical interests that they might have. And, if this were the only reason those philosophers chose to work in applied ethics, it might give critics grounds for casting aspersions on their intellectual or personal integrity. But (even then) it would not in itself impugn their work.

The second part of the argument from economic self-interest aims to suggest that applied philosophers' opportunism provides a ground for questioning their philosophical abilities, and their work. The reasoning goes something like this. The philosophers who have a hard time getting decent jobs in the highly competitive philosophical job-market are (by and large) those who have less than first-rate abilities. They thus have a motive for tailoring their academic interests to reflect the prevailing philosophical enthusiasms, for by doing this they improve their employment prospects. On the other hand, those who have first-rate philosophical abilities can compete successfully in even a difficult job-market, so they do not need to tailor their academic interests to follow the fashion. The observation is then made that, as a matter of fact, first-rate philosophers are by and large not the ones who do applied ethics.[8] Hence the conclusion: Since specializing in applied ethics is likely to be an attractive option to those for whom it represents a better employment-strategy (i.e., those whose prospects of success in a tight job market are not otherwise good ones) it is reasonable to assume that many of the people doing applied ethics are something less than first-rate philosophers. This, in turn, is supposed to provide some justification for regarding work in applied ethics with suspicion. If it is produced by second-rate philosophers in the thrall of pursuing their economic self-interest, it is likely enough to be something less than first-rate work. It need not be given careful attention, or taken very seriously.

There is some truth to this bit of social diagnosis. Increased public interest in normative issues may well have improved philosophers' employment statistics overall, for it has indeed spurred the creation of new jobs within university philosophy departments, as well as new sorts of jobs in medical schools, law schools, business schools, policy institutes, government, and industry. It is also true that some of those who have pursued careers in applied ethics might not have had an easy time finding congenial employment had they sought more traditional jobs in philosophy.[9] And finally, it is true that much of the work in applied ethics is something other than brilliant and something less than first-rate: much of it lacks an adequate empirical foundation, or is in other relevant respects amateurish and naive. What is false is the proposed explanation of these facts that the argument from economic self-interest proffers, and the implications that it suggests can be drawn from them.

The argument from economic self-interest suffers from the defects that characterize many reductive economic explanations: it is a poor piece of psychology, and bad history as well. It pays scant attention to the events of the period in which philosophers began to do work in applied ethics. We have already seen one of the reasons why this is a mistake: since the perception of what constitutes good moral philosophy (and good philosophy in general) has been strongly influenced by Positivism, it is plausible to suspect that judgments of the inferiority of work in applied ethics are to some degree founded on, or a manifestation of, lingering Positivist prejudices rather than based purely on a neutral assessment of the quality of that work. There are also other important problems with the argument's ahistoricism: since it misconstrues the context in which philosophers chose to work in applied ethics, it misconstrues their motivation for so doing.

The argument from economic self-interest ignores the domestic and international events of the 1960s and 1970s. Yet the civil rights movement, the women's movement, the crusade against the war in Vietnam, and the back-to-the-land movement (for example) had a profound effect on many academics' views of their disciplines and themselves. It was obvious then, as it is obvious now, that many philosophers were drawn to write about civil rights, abortion, conscientious objection, and environmental issues because they cared a great deal about these issues, and because they wanted to achieve some measure of personal and intellectual integration.

Outside of the classroom, political, social and moral issues of the day were what many philosophers thought about and read about and talked about with their friends, colleagues and students. The Positivist stance, with its insistence on the separation of facts and values, its belief in "pure" philosophical analysis, and its dismissal of "moralizing" as "unphilosophical," provided a hefty counterweight to that, and for a time the issues that were under constant discussion outside philosophers' classrooms were regarded as unfit subjects for consideration inside the classroom. But the late 1960s and early 1970s saw the waning of Positivism, and graduate education in philosophy reflected that change. Quine's writings (in particular) had a powerful influence on those who were teaching philosophy, and the growing acceptance of the view that there was not a clear, useful distinction between the conceptual and the factual had a profound effect on those who were students of philosophy. Epistemology instructors assigned Quine's "Two Dogmas of Empiricism," and their students applied its lessons with liberal generality.[10] If conceptual analysis and empirical observation were not distinct activities, then good philosophers had to be something other than (or more than) clever conceptual analysts, and moral and political philosophy had to be something other than the manipulation of (supposedly value-neutral) concepts and abstract structures. Philosophers came to recognize that they could not continue to banish substantive moral and political issues from their classrooms as philosophically irrelevant, and the world outside the philosopher's classroom came bounding in.

Social and political events, and developments within philosophy itself thus had a great cumulative, and mutually-reinforcing, impact. Once the stranglehold of Positivism was broken, the view that it was not philosophically respectable to work on substantive moral and social issues could not treated as axiomatic; and with the loss of its privileged status came its widespread rejection. If a moral theory could be criticized on the ground that it could not give a satisfactory account of moral practices, or could not account for the wrongness of racism, sexism, or the killing of the innocent (for example), and if a moral theory could even be deemed an unacceptable moral theory on such grounds, then substantive moral and social issues could not be regarded as philosophically beyond the pale. Nor could philosophizing about them such issues be regarded simply as acceptable, a permissible addendum to the real business of moral philosophy. It had to be seen as an integral part of it.

In the absence of an explanation of why the pursuit of applied ethics must be regarded as opportunistically motivated, I see no reason to

suppose that the argument from economic self-interest accounts either for the rise of applied ethics in the 1970s or for philosophers' continued interest in it. Their interest is not plausibly viewed as a vulgar exemplification of the law of supply and demand. Though there is some justice to the charge that much of the work in applied ethics cannot plausibly be thought to be of the highest philosophical caliber, this does not in itself call into question the abilities of the philosophers who have produced the work, nor does it do anything to impugn their motives. Modern applied ethics is a young field, and, to a great degree, its success requires work that is interdisciplinary, and training in subjects that are often quite remote from philosophy (as it is taught in American universities). Once it is admitted that neither evaluative nor conceptual questions can be divorced from empirical issues (or from each other), and the relevance of factual material acknowledged, the subject-matter of philosophy in general, and applied philosophy in particular, increases dramatically. Great analytical acumen cannot compensate for factual ignorance or for inexperience. Those who work in applied ethics have perhaps not been as quick to learn this lesson as their critics (and they) would like. But they have not been appreciably slower than their colleagues in other subareas of philosophy.[11]

Philosophers who work in applied ethics have sometimes been too quick to deploy their own version of the 3-D strategy (Diagnose, Disparage, and Dismiss) in response to non-philosophers' criticism of their work. They take criticism of philosophical work in applied ethics, and on abortion in particular, to be emotional, unintelligent handwaving, a manifestation of the critics' intellectual or emotional inability to appreciate other points of view, or follow rigorous argument, or engage in rational discussion about controversial issues. On this view, the fact that the criticism of philosophical work on abortion has been so heated is to be explained largely by the fact that abortion is such an emotional and complex issue: supposedly, even a rudimentary understanding of human psychology should (supposedly) enable us to see that those who disagree with philosophers' normative conclusions, but cannot engage with their arguments, will feel threatened, and thus be hostile to both the methods of philosophy and to the philosophers who employ them. The fact that non-philosophers' criticisms are often heated is taken as a sign of their intellectual limitation or emotional immaturity.

This diagnosis is very tempting, and doubtless accurate in some cases. It seems to account for some of the hostility that secular philosophers have received from critics whose normative position is fixed by

their acceptance of the theological or moral teachings of organized religion. It seems to explain why those who reject philosophers' normative conclusions but lack the training, skill, or inclination to follow subtle argumentation, go on to attack the methodology that allows philosophers to reach those conclusions. And it may provide us with some insight into why critics who take exception to philosophers' work on abortion so often go on to attack the character or credentials of philosophers themselves. For it is understandable, if not altogether laudable, that people should want to undermine the authority of those whose normative conclusions contradict their own strongly held moral beliefs. Critics who reject philosophers' conclusions about abortion may thus quite naturally be moved to challenge the credentials of those who propound the views, and to deny that philosophers have any special expertise which lends special authority to their discussions of moral matters.[12]

This response to criticism of philosophers' work on abortion attempts to discredit it by undermining its intellectual foundation, and it attempts to do that largely by appealing to "facts" about the feelings and motivations that underlie the critics' arguments. It is always satisfying to diagnose one's critics, and it is generally easier to do that than it is to try to meet their criticisms head on. But it is a dubious tactic: one cannot undermine someone's work, or defend one's own, merely by casting aspersions on its author. It is true, no doubt, that some of the criticisms of philosophical work on abortion have been the product of failures of intellectual understanding and fueled by immovable emotional commitment to an unexamined normative stance. But that in itself does not constitute a refutation of the substance of the criticism, and thus does not justify its dismissal. More importantly, it does nothing to establish the credentials of philosophical work on abortion. Those who wish to offer a meaningful response to criticism of the philosophical work on abortion must do more to engage with it.[13]

Engaging with criticism does not always mean assessing its rational defensibility, if this means reconstructing a criticism as a philosophical argument and determining its soundness. For even when the substance of a particular criticism fails to meet this standard of rational defensibility, this does not provide a justification for ignoring it. Philosophers who work in applied ethics, and on abortion in particular, should not be concerned simply with enlightening or entertaining their colleagues. Applied ethics is not intellectual checkers, and the development of a resolution of the abortion debate is not merely an intellectually pleasing philosophical goal. Abortion is a matter of great personal

importance to a good many people, and, in the face of the (sometimes violent) ongoing disagreement between various factions, the resolution of the abortion debate is a goal of great social and political importance. Nor is philosophical work on abortion happily addressed to a society of philosopher-kings. Even if (miraculously) philosophers were to find themselves agreeing about the morality of abortion, that would provide a basis for a non-philosopher to concur with their conclusions only if he or she could understand those conclusions and the reasoning that generates them.[14] Though philosophers cannot hope to produce arguments about abortion that can be understood by everyone who chooses to pay attention to them, this does not exempt philosophers from trying to make their reasoning more accessible.

This point connects with another. It is often impossible to produce arguments that are philosophically pleasing--substantive, elegant, and sound--and easily accessible to any interested non-philosopher. And it is surely even harder to produce arguments that satisfy those desiderata and also engage with people's emotional and psychological responses to abortion. But this does not provide a justification for ignoring the emotional and psychological responses. Arguments may be the backbone of philosophy, but they are not the whole of it. Uncritical emotional responses may be the bane of philosophy, but there may well be viable alternatives to the adoption of the emotionally disengaged--some would say dissociated--style that has characterized much philosophical writing about abortion. Even if, in the opinion of philosophers, much of the criticism of work on abortion has been fueled by unexamined emotional commitments and failures to understand philosophers' method or substance, this would not justify their ignoring such criticisms and proceeding with business as usual. People's emotional commitments are certainly not psychologically irrelevant to their views about the morality of abortion, nor are they obviously and necessarily philosophically irrelevant.[15] And perhaps there are other ways of writing about abortion than the rationalistic, intellectual, authoritarian ways that characterize much philosophical writing. Even if the substance of many of the criticisms of philosophical work on abortion were to prove unconvincing, those criticisms may well raise important questions about the soundness of philosophical methodology and the validity of philosophical discourse.

I have explained why neither critics of applied ethics nor philosophers who write on abortion can hope to get far by relying on the 3-D strategy. The argument from economic self-interest does not provide us with a good explanation of why philosophers have chosen to do work in ap-

plied ethics, nor would it cast any aspersions on the work itself even if it did. And philosophers cannot justify a decision to ignore (non-philosophers') criticisms of their work on abortion by attacking the intellectual pedigree of the critics, or identifying the emotional impetus behind their criticism. In both cases, a similar mistake is being made, that of attacking the motivations behind the work as a means of undermining the work.

But there is a complication. When the issue in question is the assessment of the philosophical work on abortion, the mistake being made is often a more subtle one than first appears. I shall try to explain.

I do not believe that philosophers can produce a satisfactory assessment of the first generation of secular philosophical work on abortion, or of the criticism that it has generated, if they confine themselves to assessing the arguments that have been presented and simply ignore the motivations behind them. People's views about abortion are bound up with their views about matters that have a large personal and emotional dimension: the ethics of personal and sexual relationships; the political, legal, and economic status of women; the family; the social and moral significance of child-bearing and child-raising (to name but a few of them). These are things that are important to us both as individual moral agents who make decisions about personal goals, families, and jobs, and as members of a society. Whether or not we can easily articulate our views about these matters, those views color how we see ourselves and assess our lives, and they have a lot to do with who we are.[16]

For example: A woman who believes that the bearing and raising of children is the most meaningful and important thing that she can do as a woman, and that fulfillment as a woman is the most important thing in her life as a person, is likely to have a very different view of herself, and of the moral geography of the abortion issue, than a woman who does not see her social roles and personal goals in such relational terms. Someone who rejects the view that men and women are moral and intellectual equals is likely to have a different view of the sacrifice involved in a woman's being forced to abandon her career to bear and raise her children than someone with a more egalitarian stance. These views are likely to go along with rather different understandings of the meaning and power of the "pro-choice" position.

Reflection on these simplified examples suggests that it is more difficult for people to succeed in following (some) philosophers' instruc-

tions to distance themselves from their personal views about abortion than philosophers have appreciated. And it may shed some light on why it might be better for people to devote less of their energies to effecting this sort of dissociation, and more to understanding the relations and interconnections between their views about abortion and their views about a whole range of (other) personal, emotional, and political issues.

Moving from the individual to the social level, we recognize that a society's stance on abortion, the family, and female equality plays an important role in structuring its self-conception, and is partly constitutive of its identity. For example: A society that publicly castigates out-of-wedlock sex as immoral and stigmatizes illegitimate children will be a different society, with a different view of the morality of abortion, and of itself, than one that is more relaxed about non-marital sexual relations, and more tolerant of illegitimate children. A society that expects children to be raised by their biological parents, or at least their biological mothers, will have a different view of the parent-child relationship, and of the children themselves, than one with a more collectivist approach to child-rearing.

Taken together, these reflections may give us some insight into why it is that arguments about abortion do not speak for themselves, and why they cannot tell the whole story. They may help us understand why the motivations behind philosophical work on abortion and the criticisms of that work are important, and how those who have employed the 3-D strategy have misconstrued this importance. The motivations should not be appealed to as a basis for undermining what someone has said; they should be used as a springboard to achieving a better understanding of the substance of what has been said, and arriving at a livelier appreciation of its significance.

If non-philosophers had a fuller picture of the context of philosophical discussions of abortion--some appreciation of why philosophers think that the topic is one that should concern them, and some idea of the goals that philosophers are trying to realize in writing about abortion--then they might have a livelier sense of why philosophers' discussions of abortion have the shape and focus that they do. And it seems reasonable to think that they would have a clearer idea of what philosophers mean by what they say, and a better understanding of the methodology that philosophers employ. I do not know if this would have any effect on the amount of criticism of philosophers' work on abortion, but I think that it might

well change the focus of that criticism, soften its character, and improve its quality.[17]

If philosophers had a richer understanding of why so many people respond negatively to philosophical work on abortion, then they would be in a better position to understand how much of the negative response is an expression of non-philosophers' dislike or distrust of philosophers' postures and methods, and how much is a response to the core-content of philosophical work on abortion: to the world-view that that work seems to embody, or to its normative bottom line. Until philosophers can do this, I think, they cannot really assess the criticism. Nor can they hope to produce a satisfactory response to it, or figure out what lessons those who mean to produce the second generation of philosophical work on abortion should learn from the criticism of first-generation work.

To summarize: understanding the substance of work on abortion (both critical and positive) requires a better appreciation of its context. This involves some understanding of the history of moral philosophy in the mid-twentieth century, and some recognition of the connection between people's views about abortion and their views (and feelings) about a wide range of other moral, social, and political issues.

II

In this section, I shall (briefly) consider criticisms of the <u>focus</u> of philosophical work on abortion, and criticism of the <u>methods</u> and <u>language</u> that philosophers have employed in discussing abortion. These are "middle level" criticisms. They do not attack the very idea of constructive philosophical work on abortion, either by attacking the very idea of work in applied ethics, or by singling out abortion as a particularly problematical topic. Nor are they directed at the inadequacies of specific arguments and argument-strategies. Middle level criticisms seek to identify what might be called salient flaws within the corpus of philosophical work on abortion. Some who have made such criticisms take them to show that philosophical work on abortion is riddled with deep, possibly irremedial defects. But many who have made such criticisms are philosophers, and they tend to construe their objections as a challenge, rather than as a basis for doubting whether philosophical work on abortion could ever be of relevance or value to those who are interested in the abortion debate. I believe that reflection on the middle-level criticisms can yield considerable insight into why people are so dissatisfied with the first generation of philosophical work on abortion, and where it is that

those who hope to produce a second generation of philosophical work might gainfully begin.

A. Focus

Those who have objected to the focus of philosophical discussion think that the questions that philosophers appear to regard as central or critical are not what the abortion dispute is really about. Philosophers' engrossment with the issue of fetal personhood is a frequent target of criticism. Since this topic has been much discussed, what I shall say here will be brief.[18]

Those who have criticized philosophers for assigning too much importance to the question of fetal personhood have done so on a number of grounds. Many critics have pointed out that the notion of a person lacks determinate or agreed-upon descriptive content, and some have gone on to suggest that the notion of a person is better understood as constructed from, or as constituted by, a moral outlook, than as the foundation of one. If different notions of the person are expressions of different moral outlooks, then arguments about personhood are more likely to display disagreement than to illuminate or resolve it. For too long, they suggest, the tail has been wagging the dog: it is time to divert attention away from arguments about rival notions of personhood, and towards discussions of the comparative merits and deficiencies of the moral outlooks that generate those rival views.[19]

Philosophers with Wittgensteinian or ordinary language sympathies often point out that the issue of personhood is not one that people "ordinarily" go around discussing: the question of who or what a person is comes up in the context of discussions of abortion (and euthanasia) but rarely elsewhere. They thus believe that discussions of personhood are fraught with an artificiality that renders them unsuitable as a basis for arguments about the morality of abortion.[20]

Some critics think that the slipperiness of the notion of a person and the corresponding irresolvability of the dispute about fetal personhood are to be explained by the fact that the notion of a person is essentially a religious notion. If the content of people's views about personhood is dictated by religious dogma, or if someone's view about personhood is largely an expression of religious faith, then philosophers who expend their energies examining and criticizing rival notions may be just spinning their wheels. Though some views of personhood may look better from a

secular (abstract, rational, neutral) point of view, that in itself does not confer authority on those views.[21]

Feminist critics often reject the view that the question of fetal personhood is central to the abortion debate because they think that the abortion debate is fundamentally a political debate about power or bodily self-determination, or an argument about public policy, and not a moral issue. It is clear, they think, that a pregnant woman has a right to control her own body, and it is clear that, while it is in utero, the fetus is part of a woman's body. As such, its status as person or non-person is irrelevant. What philosophers should be discussing is whether there are legitimate reasons for overriding a woman's choices and compelling her to bear a child she does not wish to bear, or whether a social policy that denies women the meaningful exercise of a freedom that is granted to men is a defensible social policy. Because philosophers have been obsessed with the question of fetal personhood, they have misconstrued the character of the abortion debate, and failed to see what it is really about.[22]

Even when philosophers do abjure the discussion of fetal personhood in favor of questions that have a more robust social or political dimension, critics may still regard the focus as wrong or excessively restricted. The rights- or claims-balancing strategy inaugurated by the publication of Judith Thomson's famous article "A Defense of Abortion" seems to allow disputants to side-step the issue of fetal personhood, and it admits the relevance of social and political considerations.[23] Yet the framework that it employs is one that many people reject as unsatisfactory. In focusing on the claims of the pregnant woman and the fetus, it is taken to be both too narrow in its scope, and too adversarial. It does not accord sufficient weight to the rights or claims of parties other than the principals (for example, those of the biological father of the fetus, other dependents of the pregnant woman, and (possibly) other members of the community). It does not take sufficient note of the fact that not all obligations are generated by, or expressible as, the rights of beneficiaries.[24]

Both Communitarians and Utilitarians think that there may be things that people ought to do that are not grounded in others' entitlements. The claims-balancing strategy seems not to leave room for the operation of morally relevant factors that are not happily expressible either in terms of rights or obligations: for example, value-theoretic considerations about what would be best for everyone, or even better for someone. Communitarians on the right object to the "liberal bias" that underlies

philosophical discussions of abortion that employ the claims-balancing strategy,[25] while those on the left complain that the legalism inherent in that strategy renders it too conservative.[26] Both think that there are features relevant to the determination of the morality of abortion that cannot be comfortably accommodated within the legalistic framework of claims and claimants. Both think that there are difficulties with the attempt to construct moral categories that are clearly and unproblematically analogies to the legal categories that the claims-balancing strategy employs; the use of the claims-balancing strategy tends to obscure that fact. It is not clear whether our recognition of the awkwardness of the fit should lead us to supplement those categories, to disavow their use in moral argument, or to wonder whether the framework that underlies them is itself flawed. What is clear, by these critics' lights, is that it is unwise for philosophers to treat the claims-balancing strategy as the best or only way of arguing about the morality of abortion.

The criticisms in this (abbreviated) catalogue challenge the objectives of philosophical arguments about personhood: philosophers should not be so concerned with the question of fetal personhood, or with trying to ascertain precisely what entitlements do (and do not) follow from the establishment of fetal personhood. Related criticisms address the character or tone of philosophers' discussions of personhood. Whether or not it is reasonable for philosophers to treat the question of fetal personhood as fulcral, some critics think, there is something wrong with the way that philosophers have approached the question.

Philosophers' discussions of personhood abound with subtle and complex distinctions. To some critics, the interest in working out the fine details of these esoteric distinctions seems medieval or frivolous. They cannot see how appeals to subtle distinctions between (moral) personhood and (biological) humanity, or between potential persons and merely possible persons, can possibly be helpful, or even relevant.[27] Sometimes this objection embodies the view that fine-grained metaphysical distinctions are of little use in getting us to understand peoples' moral views, and so whatever philosophers might determine to be the truth about the metaphysics of the person (supposing that there is any such thing), those determinations cannot make much of contribution to the ongoing debate about moral personhood, or to the moral issues surrounding abortion. These writers think that philosophers who write on the morality of abortion should devote a lot less of their energy to metaphysical hair-splitting.

At other times the objection has more of a political (or "forensic") cast. It is clear that being a person has important legal and political implications; to those who are sympathetic to a Lockean account of persons it seems obvious that the concept of personhood has legal and political components as well.[28] Thus, if appeals to the personhood of the fetus are to play any meaningful role in philosophical discussions of abortion, (a Lockean might think that) philosophers will have to devote a lot more energy to understanding the legal and political dimensions of personhood--for example, to thinking more about the role of person-identification within a community.[29]

What are we to make of this raft of complaints about the focus of philosophers' discussions of abortion? We cannot here assess the merits and defects of each of the complaints, for the catalogue that I have given is a long one, though it is both simplified and incomplete. But I believe that it provides us with some basis for responding to the criticism that what philosophers have focused on is not what the abortion debate is really about.

Complaints about the focus of the philosophical discussion of abortion seem to me to presuppose a picture of what the abortion debate is about--or, since some people will resist the suggestion that there is one clear thing that the debate is about--a map of how the various sub-issues are best fit together. There are several problems with presupposing this.

There are, indeed, many people who profess to know what the abortion debate is about. (For example: it is about the personhood of the fetus, or the scope of the right to life, or the scope of the right to bodily self-determination, or the issue of female equality, or the issue of sexual free-dom, or the meaning of reproductive rights, or the social significance of the nuclear family). I believe that they are all at least partly mistaken. Though no one has yet managed to produce a clear, compelling, or comprehensive picture of the abortion debate, or a map that integrates all of the various sub-issues into a coherent whole, there is reason to reject the view that the abortion debate is about any one of them. Moreover, until we have a comprehensive map that displays the relations among the various sub-issues, it is hard to be sure just which are central, and which are peripheral.

The task of constructing a map of the abortion debate is not purely a philosophers' task. Constructing it involves integrating the philosophical issues with the relevant portions of other disciplines. A partial

list would include sociology (e.g., who winds up seeking an abortion, and why; what effects would the non-availability of abortion have on the family); physiology (e.g., what are the physical and hormonal effects of various methods of contraception, abortion, pregnancy, and childbirth; what are the knowable facts of fetal development); psychology (e.g., what are the psychological effects of having an abortion, compared to the psychological effects of sexual abstinence on the one hand, and unwanted pregnancy and childbearing on the other); economics (e.g., what effects does the availability of affordable abortion have on the labor market; who shoulders the cost of raising and caring for "unwanted" children); political theory (e.g., is the availability of abortion a precondition of female equality in a capitalistic society; does legislation that limits the ready availiabity of abortion encroach upon important freedoms of the individual, or areas of privacy); legal theory (e.g., can we consistently limit abortion by legislation when we do not legislate with respect to other "good samaritan" behavior; does the Constitution lend more support to a pro-abortion stance); and social policy (e.g., what would be the effects of enforcing laws against abortion; can we reasonably advocate the adop tion of policies that have the social consequences that the proscription of abortion might have).

A good map of the abortion dispute--one that depicts the relations among the various sub-issues clearly and comprehensively--can only be produced by work that is collaborative or genuinely interdisciplinary. Philosophers are not to be faulted for having thus far having failed to produce such a map, but I think that they are justly criticized for failing to recognize the need for greater integration and co-ordination of the philosophical issues. Until philosophers have at least a provisional picture of how the various abortion-related philosophical issues are to be fit together, they are not likely to be able to contribute much to the larger project of coordination. And they are a long way from understanding how to complete this first task.

Abortion lies at the center of a number of philosophical crossroads: the ethical and the political, the moral and the legal, the personal and the social, the ethical and the metaphysical, the private and the public, the theoretical and the practical (to name just a few). People's ideas about what constitutes a good piece of philosophical work on abortion are influenced by where they are standing, by which of the roads they take the author to be on, and by which direction they take the author to be facing. Questions about what a philosopher's focus should be cannot be meaningfully posed or meaningfully answered from nowhere.

When philosophers are concerned with the metaphysics of personhood (for example, considering the question of how a fetus who is not a person at one time can be said to be identical with the entity that is a person at a later time, and what sort of entity it is that has both of these temporal stages as part of its life-history), the question of accessibility to non-philosophers, and perhaps even to non-metaphysicians, seems of relatively little importance.[30] Ontology and identity are complicated theoretical subjects, they are bound up with other highly technical theoretical issues. No one expects talk of "merely possible future persons" and "actual future persons," or "person-stages" and "person-histories" to be the stuff of peoples' everyday moral experience; it is, in that sense, irrelevant. This sort of metaphysics perhaps seems medieval; but acknowledging this may be less a concession than a claim to a distinguished pedigree.

When philosophers face another direction on the road, however, charges of irrelevance or inaccessibility have more force. The notion of a person is, in part, a social and political notion: we identify individuals as persons and citizens, and our doing so is bound up with our understandings of the notions of political community and moral identity. And so, when philosophers' talk about persons seems to be about the normal, social adult human beings who we identify as card-carrying members of the moral community, we expect what they say about persons to have some connection with our moral and social practices, and to make some sense of our moral experience.[31]

Consider a different road. When philosophers address the issue of abortion in the context of trying to formulate a moral theory that provides a comprehensive and coherent account of the wrongness of killing, the fact that their explanations are abstract, their reasoning subtle, and their examples artificial is not in itself a defect. Yet when we turn to consider the question of moral practice, things look different. Principles that are sound bases for the axiological assessment of states of affairs (as possessing more and less value) are not necessarily sound as principles of deliberation and choice. The things that make an action possess more abstract moral value are not necessarily the things that make it a morally better choice. A principle that is logically coherent and attractive may well be psychologically incoherent or untenable. Abstractness, fine-grainedness, and artificiality may well be defects in a practical principle, for it is easy to see how agents who attempt to act on principles that possess such features may be lead into disengagement, vil-

lainy, and bad faith.[32] Though there must be some fit between theoretical principles of assessment and practical principles of choice, the assumption that principles that are practically sound must be acceptable as the components of a moral theory is mistaken.[33]

It is quite impossible for a philosophical discussion of abortion to face in all directions at once, and meet all the desiderata associated with the various perspectives: nothing is in clear focus from every vantage point. Those who have objected to the focus of philosophical work on abortion should bear that in mind. They should also understand that critical assessments of philosophical work on abortion require some appreciation of the particular perspective the writer means to be adopting--an understanding of which road the philosopher is travelling, and for what sort of audience the work is intended--if they are to be fair or helpful. I think that non-philosophers' criticisms of the focus of philosophical work have not always been in this way fair or constructive. But the fault does not lie entirely with philosophers' critics. Philosophers have not always been clear in their work, or in their own minds, about what they are trying to accomplish. They have not made it clear which road they were standing on, or which way they were facing. And they have given far too little thought to how the various philosophical issues fit together. Philosophers could respond constructively to criticisms about the focus of philosophical writing on abortion by spending more time and energy thinking about the connections between the various sub-issues, constructing (provisional) maps of the abortion debate, and offering better explanations of what they take themselves to be up to.

B. Method

The most frequent complaints about philosophers' methods are directed at philosophers' language, at their over-reliance on abstract argument, and at their use of examples. Non-philosophers find philosophers' fondness for "obscure and formal analytic language" maddening.[34] They are often alienated by the use of the "latest philosophical machinery" and pyrotechnical problem-solving apparatus.[35] And both philosophers and non-philosophers have been "bored and enraged" by the deployment of fantastic examples, "ingenious analogies," and "caricatures."[36]

I do not think that it is surprising that non-philosophers are unhappy with the language in which philosophers discuss abortion. Rather, what is surprising is philosophers' apparent failure to understand that there is a problem, or to acknowledge its importance. Philosophical work

on abortion is often much more obscure than philosophers seem to appreciate. Even when they take the trouble to explain obviously technical terms or terms of art, this does not always suffice. Since words that sound like ordinary English are often philosophical idioms of a technical nature, non-specialized readers find it difficult to understand just what philosophers are saying, for it is hard for them to know just what philosophers mean by what they say. (To take some relatively straightforward examples: compare philosophers' use of "moral" and "utilitarian" and the common understandings of them.)

This technical language offends in other ways as well. When philosophers eschew the flamboyant, emotionally-freighted language that characterizes much of the popular debate in favor of "scientific" or "neutral" terminology, they tacitly (and sometimes explicitly) convey the message that people's emotional and psychological responses to abortion should be treated as secondary, suspect, derivative, or irrelevant. This, of course, is not the attitude of many non-philosophers, and so philosophers' rationalistic posture leads them to wonder whether what is (by their lights) important is even expressible in the language of philosophy. Moreover, even when philosophers do allow that people's emotional responses often play a significant role in determining their views about abortion, they tend to regard them with suspicion, and to deny that the emotional responses themselves warrant any independent philosophical recognition. Unless such responses can withstand "rational" scrutiny, they do not belong in philosophical discussions of abortion except as data or phenomena. Because this is so, philosophers may alienate even those readers who concur with their conclusions. And those who are alienated may include both philosophers who are capable of following detailed technical discussion and non-philosophers who are not.

Unless we suppose that our emotional and psychological responses to abortion are adventitious, or motivationally inert, it is reasonable for us to want a philosophical defense of our favored position to make sense of those responses and provide some justification of them. Though some of our emotional and psychological responses are properly dismissed as the impediments of our upbringing, and better exorcised than accommodated, that cannot reasonably be our attitude to all, or even the majority, of our responses. And we are uncomfortable with the suggestion that our emotional and psychological responses can be divorced from our moral views--that one's moral views are represented by the arguments one assents to, even if one's emotional responses point one in the opposite direction--or even that they should be seen as (at best) parallel, but not interactive.

It is reasonable for people to want their normative views and their emotional responses to interact, and to work in tandem most of the time, and not just to coincide fortuitously. This is a manifestation of a desire for personal integration (or a need to avoid painful disintegration), and a recognition that people's moral views are often bound up with their views about who they are, where who they are is not to be understood as separable from their psychological and emotional responses. Many people, including many philosophers, feel strongly about the issue of abortion. Philosophers are not in the best position to provide counsel about how people can or should integrate their emotional responses and their (propositional) normative views, and doing philosophy may not be the best way for people to come to understand their emotional responses. But it is not reasonable to assume that ignoring these responses is a better strategy for coming to a satisfactory view of the morality of abortion.

Non-philosophers' complaints about philosophers' language and style of argument and their dissatisfactions with philosophers' use of examples are often connected. Anyone who has taught ethics to undergraduates knows very well that examples are often effective where abstract arguments are not. A good example both engages people and stimulates their sympathetic imagination. It allows them to put themselves into the picture, and it encourages them to make an effort to try to understand (or feel) what it would be like to be the deliberator or the victim/beneficiary. The discussion of examples, which in philosophical discussions of abortion usually take the form of (putative) analogies, has provided the backbone of much of the philosophical discussion of abortion, and, no doubt, much of the teaching that is done on the subject. Though it has been a valuable tool, I believe that philosophers' use of examples has sent people a mixed message.

Philosophers' use of examples may appear to non-philosophers to be an acknowledgment of the relevance of peoples' emotional and psychological response to abortion. Stories are more accessible than abstract argumentation is. We can imagine ourselves tethered to Judith Thomson's violinist;[37] we can envision the terror of a woman who is facing the prospect of dying in childbirth because her doctor is a subscriber to some version of the Doctrine of Double Effect, and thus prefers to let her die rather than kill the fetus;[38] we feel outrage at the suggestion that people should be able to shoot and kill someone simply because he or she has unwittingly trespassed on their property, and caused them inconvenience thereby.[39] These examples engage our feelings, and our moral

assessment of cases, and the increased refinement of our responses to cases seems to work (at least in part) through our empathetic and sympathetic responses. So far, so good; but then comes the ringer. Though philosophers acknowledge that examples make it easier for people to appreciate the logic of the situation, or to articulate the relevant abstract moral principles, they often speak as if examples could be regarded as purely heuristic devices, equivalent in function and logic to more abstract or formal modes of reasoning. Though they concede that examples may not be effective in achieving these ends unless they engage people's feelings, they maintain that the feelings that are thus engaged should not be the basis upon which the examples are assessed. The feelings themselves are not to be accorded any status in philosophical argument. Or so the fiction goes.[40]

It should not come as a complete shock to philosophers to learn that non-philosophers (and, of course, some philosophers) respond to such pronouncements with an amalgam of rage and disbelief. When philosophers move away from "pure" argument and present readers with engaging, carefully contextualized examples, and elicit readers' response to them, it looks (to non-philosophers, at least) as if philosophers are admitting that purely abstract "rational" considerations are not the only factors that bear on the assessment of the morality of abortion. When philosophers later proceed as if the psychological or emotional aspect of the examples has no legitimate bearing on that assessment, the poor non-philosophers are left suspended uncertainly in mid-air. Rationalization appears to be the only philosophically acceptable accommodation of people's feelings. And that seems simply to fly in the face of our experience, and to be wondrously naive and uncritical. It also opens the door to serious and pervasive self-deception. No wonder non-philosophers are often confused and angry.

The morals to be drawn from reflecting on the criticism of philosophers' methodology are in general outline much the same as the ones we drew from reflecting on the criticism of the focus of philosophers' discussion of abortion. Since philosophical work on abortion does not have one clear aim, it is unreasonable to expect that there is one set of methodological guidelines--a recipe--that will do for the lot. Since "the" philosophical question of abortion is really a tangle of sub-issues, what is a good approach in one instance is not necessarily a good approach in another. Since the issue of abortion connects with a number of wider theoretical issues about the morality of killing as well as with technical

questions about the metaphysics of persons, the use of formal techniques and the presentation of highly artificial or schematic examples in some kinds of philosophical discussions of abortion cannot be deemed to be in itself problematic. In other contexts--for example, those in which a philosopher is trying to elicit a moral assessment of an agent's actions, or a decision about what someone in the imagined circumstances ought to do--the use of technical language or decontextualized examples is, on the face of it, more suspect. If I really cannot imagine what it would be like to live in the brave new world that some philosopher asks me to envision, I may not be able to put myself in the picture in the right way. Philosophers should thus be wary of assigning significance to the responses they may elicit to fantastic examples. Whether and why the use of formal techniques or the presentation of an example is doubtful depends heavily upon what issues particular philosophers are concerned with--which road they are standing on, and which way they are facing. It is not reasonable to seek blanket approval or condemnation of the use of technical language, or of philosophers' use of examples.[41]

Concluding Remarks

If the second generation of secular philosophical work on abortion is to be something more than a mere addendum to the first generation work, philosophers will have to come to grips with the criticisms that have been leveled against their work. I think that this is less a matter of wading through the vast array of philosophical arguments and sorting their conclusions into "established truths," "demonstrable falsehoods," and "other" than it is a matter of reflecting on the middle-level criticisms about the focus and method of philosophical work on abortion and attempting to understand what drives them. And I think that producing a second generation of philosophical work on abortion that responds satisfactorily to the criticisms is less a matter of aiming to produce bigger and better abstract arguments than it is a matter of coming to appreciate that such arguments do not, in themselves, provide us with an adequate basis for understanding or assessing our views about the morality of abortion. Philosophers have, to date, done most of their work on the "logical" features of the abortion debate, and paid little attention to its moral psychology. I think that this has been unfortunate, and I hope that the second generation of philosophical work on abortion will do something to rectify the imbalance.

<u>Exactly</u> what the second-generation work on abortion should consist of we cannot yet say, for that hinges on the assessment of the criticism

of the first-generation work on abortion. But this much, at least, is clear. If philosophers are to respond constructively to criticisms about the focus of their work, then they will have to do some hard thinking about the connections between the different sub-issues (philosophical and non-philosophical) that together make up "the" issue of abortion. They will have to think about how to integrate the various philosophical issues, and they will have to do work that is genuinely interdisciplinary.

If philosophers are to respond constructively to criticisms about their methods, then they will have to do some hard thinking about ethical theory as well as applied ethics.[42] Views about the proper role of philosophers, and philosophy, have been most often, and most tellingly, the target of criticisms of philosophical work on abortion, and they have also been the target of more general criticisms of applied ethics. Though many of the criticisms have been less than fair, and less than well-grounded, I believe that philosophers' responses to them have not been satisfactory. Because philosophers who work in applied ethics have been anxious to dispel the image of moral philosophy as sterile, normatively powerless, conceptual manipulation, many have shied away from the area of ethical theory, and rejected the enterprise of moral theorizing as irrelevant to the task of dealing with "real-world" normative and policy issues. Because many of the critics of applied philosophy have been repulsed by philosophers' reliance on abstract arguments in discussions of issues like abortion, they have been less than friendly to the idea that ethical theory can be of any use in the attempt to understand or resolve real-world normative issues. This has been an overreaction on both sides. I think that even brief reflection on the philosophical work on abortion and on the criticism of that work should lead us to regard methodological issues about the proper role of philosophers and philosophy as fulcral. And I think that neither attacks on philosophical methodology nor defenses of it are likely to be more than rhetorically persuasive until they are supported by more work in ethical theory, and by work that investigates the connections between ethical theory and moral practice.

We cannot assess either the philosophical work on abortion, or the criticism of that work, without tacitly relying on views about the nature and value of moral theories. Most of the philosophical work, and much of the criticism of it, presupposes views about the connection between ethical theory and moral practice, and (in particular) views about the relations between theory-guided moral judgments, the tugs and thrusts of individual emotional response, and that ineffable thing, moral intuition. In saying this--in urging avowedly applied philosophers to take more of an

interest in ethical theory--I do not mean to be finding special inadequacies with work in applied ethics, or raising any question about the value or integrity of applied ethics as an area of philosophy. Its virtue is above suspicion. I would rather think of my suggestions as born of taking the lessons of the applied ethics movement to heart. Those who wrote about issues like abortion in the late 1960s and early 1970s did so in part because they believed that ethical "theorizing" could not be divorced from normative "moralizing." In urging that applied philosophers who write about abortion pay more attention to issues in ethical theory, I am merely asserting what I take to be the same point from a different perspective.

If the second generation of philosophical work on abortion is to do more than amplify or codify the wisdom of the first, then philosophers will have to come to grips with the criticisms that have been leveled against the philosophical work on abortion. This is a large project. I hope that my discussion provides some impetus to undertake the project, as well as some ideas about where we might fruitfully begin.[43]

NOTES

[1] The list of articles and books that discuss, allude to, or bear on philosophically relevant aspects of the abortion debate is a very long one indeed. I shall follow here follow the practice of limited and representative citation.

[2] See, for example, Abbott, Philip "Philosophers and the Abortion Question," Political Theory 6 (1978); Baruch Brody "Thomson on Abortion," Philosophy & Public Affairs 1 (1972); Amy Gutmann, "Moral Philosophy and Political Problems," Political Theory 10 (1982); Mark T. Lilla "Ethos, 'Ethics,' and Public Service," The Public Interest 63 (1981); Noble, Cheryl "Ethics and Experts," Hastings Center Report 12 (1982); Noonan, John T., "How to Argue About Abortion," in T.L. Beauchamp and L. Walters, eds., Contemporary Issues in Bioethics, Encino, CA: Dickinson, 1978; Onora O'Neill, "The Power of Example," Philosophy 61 (1986); Petchesky, Rosalind P., Abortion and Woman's Choice: The State, Sexuality, and Reproductive Freedom, New York: Longman, 1984; Ruddick, William "Philosophy and Public Affairs," Social Research 47 (1980); Solomon, David "Philosophers on Abortion," in Manier et al, eds., Abortion: New Directions for Policy Studies, Notre Dame: University of Notre Dame Press, 1977; Wertheimer, Roger, "Philosophy on Humanity," in Manier et al eds., op cit.

[3] "Applied ethics," "practical ethics," and "normative ethics" are all used to refer to that part of (or approach to) moral philosophy that is concerned with the discussion of, and perhaps the presentation of normative solutions to, substantive moral issues. Each of the three terms imports conceptions of what moral philosophy is about, and of how moral philosophy is to be divided into (relatively discrete) sub-areas, as well as methodological assumptions about what moral philosophers can and should do. And each of the three names is misleading in some respects. Since "appled ethics" is the most often used, and (I think) the least misleading of the three, that is what I shall use.

[4] The canonical formulation of this view is to be found in A.J. Ayer's Language, Truth and Logic, 2nd edition, published in 1946. (And see also Moritz Schlik's Problems of Ethics; Englewood Cliffs, N.J.: Prentice Hall, 1939.) Though that view was quickly discredited (largely by critics of emotivism), its positivist elements were long-lived. A book entitled Modern Moral Philosophy, by D.H. Hudson, (Garden City, N.Y.) published in 1970, begins with a recitation of good Positivist practice:

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> This book is not about what people ought to do. It is about what they are doing when they <u>talk</u> about what they ought to do. Moral philosophy, as I understand it, must not be confused with moralizing. A moralist is someone who uses moral language in what may be called a first-order way. He talks about what people ought to do. . . . By a moral philosopher I mean someone who engages in what may be called second-order discourse. Qua moral philosopher, he thinks and speaks about the ways in which moral terms like 'right' or 'good,' are used by moralists when they are delivering their moral judgments. (p. 1)

[5] It comes as no surprise that other disciplines would be slower to respond to internal changes in philosophy than philosophy itself. Nor is it hard to see why the natural sciences and the social sciences would be particularly slow to respond. The waning of Positivist scientism seems to involve a loss of prestige for the natural sciences. And questions about whether the social sciences could lay claim to being "scientific" in any meaningful sense were thought for a long time to turn on whether the social sciences were, or could be, "value free."

[6] Why has "ethicist" (a term that so many philosophers dislike) become the title for moral philosophers who work in hospitals, industry, and so forth? Why not "moralist," or "moral philosopher"? Here are some speculations. "Moralist" came to have negative connotations in the wake of the Positivists' rejection of moralizing as unphilosophical, and "moral philosopher," which serves to identify a speciality within academic departments of philosophy, fails to do that in the world outside. "Ethicist," on the other hand, both identifies and exhalts, in the familiar pattern of the medical specialist. When people have a medical problem or a question regarding the administration of anesthesia (for example), they think that what they should do is consult the relevant expert, namely, the internist or the anesthesiologist. By the same reasoning (it appears), they should consult the ethicist when they are faced with ethical problems or questions. Since non-philosophers are not very clear about the difference between an ethical issue and a moral issue, ethicists are often taken to be not only experts on the logic, history, and comparative assessment of ethical theories (for example), but also on the resolution of the particular moral difficulty that a patient, physician, nurse or hospital is facing there and then. I believe that this is a profound mistake. When and if a moral philosopher is qualified to take on the role of real-world problem resolver, it is not simply on the basis of his or her academic training and professional experience. It is possible for someone

to be a gifted moral theoretician and lack the ability or sensitivity to apply his or her detailed, historically acute, and perceptive abstract arguments to particular sorts of cases (to problems about the cessation of life-sustaining technology, for example). More importantly, unless a moral philosopher has received training in counseling or pastoral work, there may be little reason to suppose that he or she can understand the complex social and psychological factors that bear on the principals' circumstances (and the philosopher's own response to them). A philosopher who is "good with cases" may well not be one who is good with people or sufficently appreciative of the social and psychological subtlties involved. There are thus a number of reasons to be skeptical about whether those who act as "ethicists" act responsibly when they agree to play the role of the "moral expert" who can be called in to resolve a particular, real, complex problem on the spot.

The use of the term "ethicist" has encouraged people to suppose both that philosophical expertise is relevantly like medical expertise, and that specializing in ethics is much like specializing in hematology or surgery (for example). It has also encouraged some philosophers to suppose that, simply by virtue of their philosophical training (which may or may not include observation of other philosophers playing the role) they are qualified to act as ethicists (in the above sense). I thus believe that the widespread use of the term "ethicist" has done a lot to contribute to misunderstanding of the nature of philosophy and philosophers. The development of moral sensitivity and psychological understanding is not an invariable by-product of the systematic study of moral philosophy. It would be a good thing to stop using the term "ethicist" lest those concerned lose sight of that fact.

[7] See for example Abbott, Lilla, and Noble, op cit.

[8] First-rate philosophers are generally taken to be those (widely-known) tenure-level philosophers who are employed at the traditionally first-rate places. There are a number of reasons why a sizable proportion of those who work in applied ethics do not count as first-rate in this sense. First, those who were in the first wave of philosophers doing work in applied ethics were not trained in applied ethics; they had to acquire competence on the job, often while teaching more conventional material in institutions that did not hire them to do applied work, and did not encourage them to do it. Many of those in the second wave entered the job market in the (job-depressed) mid- and late 1970s, and were not able to get tenure-track employment. They are thus only now getting to the tenure-level.

Second, traditionally "first-rate" institutions (and private institutions) are less subject to the pressures of student demand (and more subject to the pressures of upholding tradition) than other institutions are.

Third, it should be borne in mind that the assessment of work in applied ethics is often both personal and political in ways that the assessment of work in "pure" philosophy need not be. That may well play a role in the career trajectories of those who work in applied ethics, and in our understanding and assessment of the criticism of philosophical work on abortion. (See also the discussion in the text, infra, and note 11.)

Fourth, there is also something to what might be called the sociobiological account of academic hiring practices: departments try to replicate themselves. (I owe the point to my colleague John Fisher.)

[9] This may well more a reflection of the difficulties in exercising one's "academic freedom" to express unpopular moral or political views when one is not yet a tenured member of the profession than it is a sign of the possession of less-than-first-rate philosophical ability.

[10] Willard Van Orman Quine, in From a Logical Point of View, Cambridge, Mass.: Harvard University Press, 1953.

[11] These are not the only reasons why the argument from economic reality is untenable. It is, in fact, doubtful that the choice to work on topics in applied ethics has been as unambiguously self-benefitting as proponents of that argument take it to be. Those whose work is centered on normative moral and social issues have often taken a lot of heat personally, and have suffered ill effects with respect to employment and promotion--both from within philosophy and without--for doing what they do. Philosophers who question the morality of animal experimentation do not generally find favor with their (often highly influential) colleagues in biology and medicine. Those who are critical of our nuclear policies do not generally fare well with the conservative boards of regents that govern many public universities. Those who examine "radical" views about abortion and infanticide in their classroom sometimes find themselves the recipients of convincingly threatening communiques from right-wing organizations. Those whose feminist writings offend against conventional standards of "reasonableness" or exceed the perceived bounds of good taste sometimes learn that they have overtaxed their colleagues' capacity for objectivity when it comes time to be considered for promotion or tenure. If philosophers' choice to work on topics like abortion is supposed to have been determined by the economic and professional benefits of so

doing, then it is far from clear that they have made a good choice. Either they are even less intelligent than those who advance the argument from economic reality suppose, or (more likely) the argument is defective.

See also Ruddick's discussion of philosophers' motives and supposed motives for doing work in applied ethics, op cit.

[12] See Lilla; Noble op cit; and rejoiners to Noble by Peter Singer ("How Do We Decide?"), Daniel Wikler ("Ethicists, Critics and Expertise"), and Tom L. Beauchamp ("What Philosophers Can Offer") in Hastings Center Report 12 (1982).

[13] I do not wish to suggest that abortion is unique in needing this. Rather, philosophers have been conspicuously (if not uniquely) unengaged with, or hostile to, non-philosophers' criticism of their work on abortion.

[14] Whether (or to what degree) people need to be able to understand the reasoning and the arguments as well as the conclusions is an interesting question. Many philosophers concur on the view that God does not exist. Is it not reasonable to think that people understand that conclusion whether or not they can understand the arguments that lead to it? (I owe the point to my colleague Dale Jamieson.)

[15] To say this is not to suggest that people's emotional responses in and of themselves constitute a view about the morality of abortion, nor is it to suggest that such responses in and of themselves constitute the basis upon which a philosophical position is to be founded. Thus, while I agree with Roger Wertheimer in thinking that philosophers err if they entirely ignore people's psychological responses to the fetus, and to abortion, I do not assign them the fulcral role that he does, when (in speaking of persons) he says that

> what our natural response to a thing is, how we naturally react to it cognitively, affectively, and behaviorally, is partly definitive of that thing, and is therefore partly definitive of how we ought to respond to that thing. ("Understanding the Abortion Argument," in Joel Feinberg, ed., The Problem of Abortion, 2nd edition, Belmont, CA: Wadsworth, 1984, p. 56.)

For a useful discussion, see Joel Feinberg, "Sentiment and Sentimentality in Practical Ethics," Americal Philosophical Association Pacific Divison Presidential Address, March 26, 1982.

[16] For an illuminating discussion of how these issues bear on the views of anti-abortion and pro-abortion activists, see Kristin Luker, Abortion and the Politics of Motherhood, Berkeley: University of California Press, 1984.

[17] It might clear up some of the confusion surrounding the issue of whether or not moral philosophers are (or should be thought of as being) moral experts. See Lilla; Noble; op cit, and Richard Sharvy, "Who's to Say What's Right or Wrong? People Who Have Ph.D.s in Philosophy, That's Who," unpublished typescript of a talk given at the University of Miami, Florida in 1981.

[18] For a useful overview of philosophers' views about the role of the question of fetal personhood in the abortion debate, see Ruth Macklin, "Personhood and the Abortion Debate," in Jay L. Garfield and Patricia Hennessey, eds., Abortion: Moral and Legal Perspectives, Amherst: University of Massachusetts Press, 1984.

[19] Among those who think that the discussion of personhood will not help resolve the abortion debate are English, Wertheimer, and Macklin op cit., and Loren E. Lomasky, "Being a Person--Does it Matter?" in Philosophical Topics 12 (1982).

[20] See, for example, Stanley Hauerwas, A Community of Character, Notre Dame: University of Notre Dame Press, 1984.

[21] This widely-held view takes many forms, from the claim that people are not rational, so it does not matter whether philosophers can show that standard religious views of personhood are not rational, to the claim that a democracy must be willing to tolerate a wide range of religious and moral views even if they are not rational, to the view that secular philosophers who offer rational critiques of religious views really do not understand them.

[22] See "Is Abortion the Issue?" in Harper's Magazine, 272, July 1986; Catharine MacKinnon, "Roe v. Wade: A Study in Male Ideololgy," in Garfield and Hennessey, loc cit; Rosalind Petchesky, op cit; Janet Richards, The Sceptical Feminist, Boston: Routledge & Kegan Paul, 1980. Also see Guttman, op cit, and Jonathan Glover, "Matters of Life and Death," The New York Review of Books, May 30, 1986.

[23] Thomson's article, which is "the most widely reprinted essay in all of contemporary philosophy" (William Parent, ed., Rights, Restitution, and Risk: Essays in Moral Theory (by Judith Jarvis Thomson), Cambridge, Mass: Harvard University Press, 1986, p vii), originally appeared in Philosophy & Public Affairs 1, 1971.

[24] See Abbott, op cit; Michael Bayles, Reproductive Ethics, Englewood Cliffs, N.J.: 1984; Nancy Davis, "Abortion and Self-Defense," Philosophy & Public Affairs 13, 1984, reprinted in Garfield and Hennessey, loc cit; Joel Feinberg, "Abortion," in Tom Regan, ed., Matters of Life and Death, New York: Random House, 1978; (Glover op cit; and Prior op cit.

[25] See, e.g., Hauerwas, op cit.

[26] See, e.g., Onora Oneill, op cit.

[27] See e.g., Abbott; Ruddick; Lilla, op cit.

[28] John Locke, An Essay Concerning Human Understanding, Book II, chap. XXVII, "Of Ideas of Identity and Diversity."

[29] Feminists also emphasize the social components of the notion of personhood. See e.g., Petchesky, op cit. Relevant here is also Carol Gilligan, In a Different Voice, Cambridge, Mass: Harvard University Press, 1982.

[30] See e.g. Warren Quinn, "Abortion: Identity and Loss " Philosophy & Public Affairs 13 (1984).

[31] I do not mean to suggest that ther must be an exact fit, or that the moral and social practices should be allowed to stand unexamined.

[32] Indeed, it is just these things that have helped give casuistry--and modern deontology--a bad name. See Jonathan Bennett, "Morality and Consequences," in Sterling McMurrin, ed., The Tanner Lectures on Human Values, vol. 2, Cambridge: Cambridge University Press, 1981, especially Lecture 3; Nancy Davis, "The Doctrine of Double Effect: Problems of Interpretation," Pacific Philosophical Quarterly, 65 (1984).

[33] For a discussion of some of the problems with such an assumption, see Nancy Davis, "Acting Utilitarians," Pacific Philosophical Quarterly 66 (1985).

[34] Lilla, op cit, p 10 ; see also Ruddick, op cit.

[35] Solomon, op cit, p 163 ; see also Abbott, op cit.

[36] Ruddick, op cit, p 739; and Noonan, op cit, p 210.

[37] Thomson, op cit. Here is the case that Thomson asks us to imagine:

> You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnaped you, and last night the violinist's circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, 'Look, we're sorry the Society of Music Lovers did this to you--we would never have permitted it if we had known. But still, they did it, and the violinist now is plugged into you. To unplug you would be to kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you.' Is it morally incumbent on you to accede to this situation?

[38] Bennett, Jonathan, "Whatever the Consequences," Analysis 26 (1965).

[39] Warren, Mary Ann, "On the Moral and Legal Status of Abortion," Monist 57, 1973.

[40] But cf. Wertheimer, op cit.

[41] As my colleague Jim Nickel pointed out, it might be objected that the problems that I have raised with the philosophical work on abortion stem not from deficiencies in the work itself, but rather from the fact that we live in a pluralist society, one which contains a broad spectrum of personal and political ideologies, and, in consequence, a wide variety of deep and systematic disagreements. The fact that we live in such a society may make it very difficult indeed for philosophers to produce arguments that are persuasive, but--so the objection goes--it does not necessarily make it difficult to produce arguments that are sound. The

problems that I identify with philosophers' work on abortion may thus not be problems that they need to address qua philosophers; it is only if they want their arguments to reach a wider audience--to persuade a wider plurality--that they need modify their work in the directions I suggest.

There is clearly something to this objection, and it warrants a longer reply than it can be given here. But I do not think that it is a powerful objection to the line of argument in the text, for I think that the reasons for being dissatisfied with the focus, context, and method of philosophical work on abortion derive not from philosophers' failure to persuade, but from the narrowness of their conception of the issue, and their approach to it, and I think that the appreciation of those deficiencies is not ideology-specific. Also, I think that the need for work on abortion that helps move us closer to a resolution of the abortion debate is both clear and pressing. And so, insofar as philosophers who work on abortion identify themselves as practitioners of applied ethics, I do not think that they can reasonably claim to be altogether uninterested in the question of whether their work is persuasive.

Finally--as I think Kristen Luker's work (op cit) reveals--understanding of the world-view of those whose views on abortion differ from our own may enable us to have greater sympathy for both the individuals and their views.

[42] I wish to clarify what I do and do not meant by "ethical theory" (the sub-area of moral philosophy) and by "a moral theory." Some people take a moral theory to be a formal entity, one which consists of a small set of highly abstract formulae or axioms that have no specificiable role to play in agents' deliberations and critical assessments. If this is what people take a moral theory to be, it is easy to see why they might think that ethical theory--which involves the comparative study of particular moral theories--is quite irrelevant to the abortion debate, and--more generally to policy-assessment.

I operate with a wider--less formal and more practical--conception of what a moral theory is. A moral theory is not a set of axioms that may have no clear connection with agents' practice. Rather, it is something that provides serious moral agents with a basis for thinking about what they ought to do, and why, a basis for practical deliberation and for the assessment of their own and others' conduct. (Exactly how the moral theory is to figure in an agent's deliberations and assessments is not easy to specify; I discuss the question in greater detail in "Acting Utilitarians," loc cit.) This understanding of what a moral theory is yields a richer understanding of what ethical theory (the area) is, for it treats the question of moral practice as relevant to the understanding and

assessment of a moral theory. It provides a perspective that enables us to see how work in ethical theory can make a substantial contribution to the abortion debate, and to policy assesment generally.

[43] I wish to thank Dale Jamieson and Jim Nickel for their numerous and helpful comments on earlier drafts of this paper, and for hours of fruitful discussion about the abortion debate, the rise of the applied ethics movement, and about moral theory. Neither would agree with all of my conclusions, but both would agree that they are closer to being true.

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